



City of Sweetwater

EMERGENCY COMMISSION MEETING

AGENDA

MEETING DATE: THURSDAY, MARCH 9, 2017 AT 8:00 PM COMMISSION CHAMBERS, 500 SW109 AVENUE

DECORUM

Sec. 2-55. - Manner of addressing commission; time limit.

Each person addressing the city commission shall step up in front of the rail, give his name and address in an audible tone of voice for the records, and unless further time is granted by the city commission, shall limit his address to three minutes. All remarks shall be addressed to the city commission as a body and not to any member thereof. No person, other than the members of the city commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the city commission, without the permission of the presiding officer. No question shall be asked a commission member except through the presiding officer.

Sec. 2-57. - Decorum generally.

(a) By commission members. While the city commission is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the city commission nor disturb any member while speaking or refuse to obey the orders of the city commission or its presiding officer, except as otherwise provided in this division.

(a) By other persons. Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the city commission shall be forthwith barred by the presiding officer from further audience before the city commission, unless permission to continue is granted by a majority vote of the city commission.

1. ROLL CALL.
2. PLEDGE OF ALLEGIANCE.
3. INVOCATION.
4. PUBLIC COMMENTS.
5. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE ENGAGEMENT OF GASTESI & ASSOCIATES, P.A. AS SPECIAL COUNSEL FOR THE CITY CLERK; AND PROVIDING AN EFFECTIVE DATE.
(COMMISSIONER BERGOUIGNAN)
6. ADJOURNMENT.

THIS MEETING WAS CALLED AS AN EMERGENCY AT THE REQUEST OF COMMISSION PRESIDENT BERGOUIGNAN WITH THE CONCURRENCE OF COMMISSIONERS BARRETO, DUASSO, HOLTZ-ALONSO, LLANIO, MAROÑO AND SUAREZ

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

RESOLUTION NO. 17 –

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE ENGAGEMENT OF GASTESI & ASSOCIATES, P.A. AS SPECIAL COUNSEL FOR THE CITY CLERK; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on March 3, 2017, litigation was initiated in the Circuit Court of the Eleventh Judicial Circuit which named the City Clerk as one of the defendants.

WHEREAS, in similar instances the City Attorney would undertake representation of the City Clerk; and

WHEREAS, there is reasonable certainty that the City Attorney may testify in said litigation thus preventing the City Attorney from undertaking representation of the City Clerk; and

WHEREAS, the City Attorney recommends that the City Commission secure outside counsel expeditiously to ensure the City Clerk is adequately represented; and

BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AS FOLLOWS:

Section 1. The recitals above and the engagement letter attached hereto are incorporated herein.

Section 2. The City Commission authorizes the City Attorney to execute all necessary documents to retain Gastesi & Associates, P.A. as special outside counsel representing the City Clerk on behalf of the City.

Section 3. The City Commission authorizes the payment of invoices from Gastesi & Associates, P.A. from: Professional Fees, Miscellaneous Legal - # 001.513.602.541331.

Section 4. Effective Date. This Resolution shall become effective upon its adoption by the City Commission and approval by the Mayor or if vetoed, upon its re-enactment by the City Commission as provided by the Charter of the City of Sweetwater.

PASSED and ADOPTED this ____ day of _____, 2017.

ORLANDO LOPEZ, Mayor

JOSE BERGOUIGNAN, JR. Commission President

ATTEST:

CARMEN J. GARCIA, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


GUILLERMO CUADRA, CITY ATTORNEY

VOTE UPON ADOPTION:

JOSE BERGOUIGNAN, JR., COMMISSION PRESIDENT	_____
IDANIA LLANIO, COMMISSION VICE-PRESIDENT	_____
PRISCA BARRETO, COMMISSIONER	_____
MANUEL DUASSO, COMMISSIONER	_____
CECILIA HOLTZ-ALONSO, COMMISSIONER	_____
ISOLINA MAROÑO, COMMISSIONER	_____
EDUARDO M. SUAREZ, COMMISSIONER	_____

**CITY OF SWEETWATER
CITY ATTORNEY
MEMORANDUM**

TO: Jose Bergouignan, Jr, Commission President

FROM: Guillermo Cuadra, City Attorney 

RE: Case No. 2017-0005123-CA-01 (Lopez v. Sanchez, et al)

DATE: March 8, 2017

This is provided to recommend the scheduling of an Emergency Special Commission meeting to approve outside counsel to represent the City Clerk in the above-mentioned case.

On March 3, 2017, said litigation was initiated naming Carmen Garcia in her official capacity as City Clerk of the City of Sweetwater. Representing the Clerk in this lawsuit falls squarely in the scope of work of the City Attorney, however, I received a subpoena for a deposition on the same matter thus precluding me from undertaking representation of the City Clerk.

I urge you and your colleagues to act expeditiously on this matter. The litigation is under way and it is imperative that the Clerk's counsel has adequate time to act on her behalf. The need to quickly provide the City Clerk with legal representation creates a pressing necessity where the provisions of sections 2-43 and 2-46 of the City Code cannot timely be met.

In our prior discussion you asked me to provide you a recommendation for consideration by the City Commission. At your direction, I have attached a proposed resolution for the Commission to consider Gastesi & Associates, P.A. Its principal, Raul Gastesi, Esq. is an attorney with exceptional qualifications and municipal experience as City Attorney for Miami Lakes.

Please let me know if I can be of further assistance.

c: Mayor Orlando Lopez

Attachment